

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ERIK T. SANFILLIPO)	
)	
Petitioner,)	
)	
vs.)	Case No. 4:05CV551RWS
)	
JAMES PURKETT)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before me on Erik T. Sanfillipo's pro se petition for writ of habeas corpus under 28 U.S.C. § 2254. Pursuant to 28 U.S.C. § 636(b), this matter was referred to United States Magistrate Mary Ann L. Medler, who filed her Report and Recommendation on November 16, 2005. It is Judge Medler's recommendation that the petition be denied and that no certificate of appealability be issued. Sanfillipo timely filed his objections to the Report and Recommendation. Under 28 U.S.C. § 636(b)(1)(C), I am required to review de novo those portions of the Report and Recommendation to which Sanfillipo objects.

I have conducted a de novo review of all matters relevant to the petition. Based on that review, I will adopt and sustain Judge Medler's Report and Recommendation and will deny Mr. Sanfillipo's petition. Additionally, I will not issue a certificate of appealability.

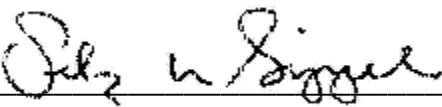
Accordingly,

IT IS HEREBY ORDERED that Sanfillipo's Petition for habeas corpus under 28 U.S.C. § 2254 is **DENIED**.

IT IS FURTHER ORDERED that the Court will not issue a certificate of appealability.

A separate judgment in accordance with this Memorandum and Order is entered this same date.

Dated this 17th Day of February, 2006.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE